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8 CARQUEST CORPORATION

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ARCHIE LEE GATES,
12 Plaintiff,

13 v.

14 CARQUEST CORPORATION, AND GOLDEN
STATE SUPPLY, LLC,
15 Defendant.
16

Case No. 3:10-CV-00972 BZ

**JOINT STIPULATION AND
[PROPOSED] ORDER RE: DISMISSAL
WITH PREJUDICE OF DEFENDANT
CARQUEST CORPORATION**

17 Plaintiff, ARCHIE LEE GATES ("GATES") and Defendant CARQUEST
18 CORPORATION, ("CARQUEST") jointly submit this Stipulation and [Proposed] Order requesting
19 dismissal, with prejudice, of Defendant CARQUEST.

20 GATES and CARQUEST stipulate that CARQUEST was not the proper party
21 Defendant and that all matters in dispute between them in the above titled action have been resolved.

22 Thus, GATES and CARQUEST, through their undersigned counsel, respectfully
23 request that the Court enter this Stipulation as an Order.

24 **IT IS SO STIPULATED.**
25
26
27

28 **STIPULATION AND [PROPOSED] ORDER
RE: DISMISSAL WITH PREJUDICE OF
DEFENDANT CARQUEST CORPORATION**

(NO. 3:10-CV-00972 BZ)

Each of the undersigned certify that the content of the foregoing document is acceptable to all persons required to sign the document and authorization to electronically sign this document has been obtained.

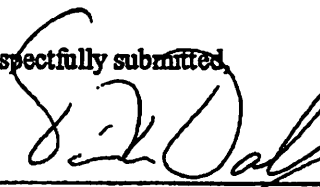
Dated: December 16, 2010

Respectfully submitted,


ARCHIE LEE GATES
PLAINTIFF

Dated: December 16, 2010

Respectfully submitted,


DAVID I. DALBY
HINSHAW & CULBERTSON
Attorneys for Defendant
CARQUEST CORPORATION

IT IS HEREBY ORDERED THAT, pursuant to GATES and CARQUEST'S Stipulation, Plaintiff's claims against CARQUEST, are dismissed in their entirety, and with prejudice.

Dated: 17 Dec, 2010


HONORABLE BERNARD ZIMMERMAN
UNITED STATES MAGISTRATE JUDGE

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STIPULATION AND [PROPOSED] ORDER
RE: DISMISSAL WITH PREJUDICE OF
DEFENDANT CARQUEST CORPORATION